

CUYAHOGA COUNTY AGENCY OF INSPECTOR GENERAL

REPORT OF INVESTIGATION

CASE NUMBER: 12-0068-I

SUBJECT(S) INFO:

Name: Alfred Kenneth Charles
Position: Employment and Family Services Specialist
Department: Cuyahoga Job and Family Services

SOURCE OF REFERRAL: Cuyahoga Job and Family Services Agency
Investigations Unit

METHOD OF REFERRAL: In Person

INITIATED: November 5, 2012

DATE OF REPORT: January 24, 2013

ALLEGATION(S)

- 1) Cuyahoga Job and Family Services ("CJFS") worker Alfred Kenneth Charles ("Charles") had an intimate relationship with a client in his caseload.
- 2) Charles entered false information so the client he was in a relationship with would receive extra Medicaid and food stamp benefits.

AUTHORITY

Cuyahoga County Agency of Inspector General Ordinance Section 2(c):

The Inspector General is hereby appointed to conduct examinations under Section 2.05 of the County Charter and shall, therefore, have all such rights and duties to investigate fraud, corruption, waste, abuse, misfeasance, malfeasance, and nonfeasance without interference or pressure from any other Public Official or Employee.

COMPLAINT SUMMARY

On November 5, 2012, the Cuyahoga County ("County") Agency of Inspector General ("AIG") received information from the CJFS Investigations Unit regarding an ongoing investigation into a complaint regarding the conduct of Charles. CJFS management requested the assistance of the AIG in conducting the administrative investigation regarding the complaint.

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The CJFS investigation into Charles' behavior was initiated when a female CJFS client ("Client") and her therapist contacted CJFS Supervisor Jettie O. Lee ("Lee")¹ on November 10, 2009 to report sexual harassment by her caseworker, Charles.² Client stated that she had been in a sexual relationship with Charles. Client alleged that she attempted to end the relationship, but Charles continued to harass her with constant telephone calls to her home. The therapist expressed her concern that Client was a victim because Charles was in a position of power because he controlled her benefits. Lee concluded the conversation by asking Client to submit her complaint in writing.

On or about November 20, 2009, Lee received a written statement³ from Client containing the following allegations:

I [REDACTED] is requesting a change in caseworker. My current caseworker is Alfred Charles. After talking with my therapist [REDACTED] she helped me realize that Mr. Charles had some major boundary violations....

- 1) *Mr. Charles gave me his home address and I have been over there several times weekly since Aug of 2008 to July of 2009. Home # [REDACTED].*
- 2) *When I received a lot of stamps he asked if I could take him to the store and buy him groceries.*
- 3) *There was a consensual [sic] sex between us except for one time where it was non consensual [sic].*
- 4) *Every month except for October I would pick him up and take him to the store, buy his groceries and then take him home.*

I chose to end the relationship because I wasn't happy with Mr. Charles' behavior and I didn't want to be around him anymore as I started to get better....

On December 9, 2009, CJFS Neighborhood Center Manager Patricia Koran ("Koran")⁴ referred Client's complaint to the CJFS Investigations Unit for further investigation.⁵

BACKGROUND

Alfred Kenneth Charles

Charles was hired as a Clerk 2 (\$6.89/hour - \$14,331.20/annual) for the Cuyahoga County Department of Human Services on May 16, 1989.⁶ He was subsequently promoted to an

¹ Retired from County service on December 31, 2009.

² See Division of Investigation Internal Audit Unit Statement from Lee dated December 29, 2009, attached as Exhibit A.

³ Attached as Exhibit B.

⁴ Retired from County service on December 31, 2009.

⁵ See Division of Investigation Internal Audit Unit Statement from Koran dated December 16, 2009, attached as Exhibit C.

⁶ See Personnel Action Form attached as Exhibit D.

Eligibility Specialist position (\$9.82/hour - \$20,425.60/annual) on May 17, 1992.⁷ Charles currently serves as an Employment and Family Services Specialist (\$20.11/hour - \$41,828.80/annual).

A review of Charles' personnel file revealed the following history of disciplinary/corrective actions:

- On July 13, 1990, Charles received a one (1) day suspension⁸ for failure of good behavior. It was determined that Charles made unwelcomed telephone calls to the workplace of a personal acquaintance during work hours after his supervisor previously advised him to discontinue contact with the acquaintance.
- On April 10, 1997, Charles received a three (3) day suspension⁹ for failure of good behavior. It was determined that Charles was guilty of violating the policy that prohibits verbal abuse or profanity directed at a co-worker, supervisor or the public. Charles was overheard using profanity toward his supervisor and unit director on two separate occasions.
- On February 26, 1998, Charles received a written reprimand¹⁰ for failure to provide prompt, courteous service to the public. It was determined that Charles failed to respond to several messages that were left by a client.
- On January 8, 2003, Charles received a written reprimand¹¹ for failure of good behavior. It was determined that Charles cursed at a State Hearing Officer during a telephone hearing.
- On April 19, 2004, Team Leader Juanita Jackson ("Jackson") sent Charles a memorandum¹² documenting a verbal counseling. Charles was verbally counseled regarding his excessive AWOL hours.
- On May 23, 2008, Charles sent a memorandum¹³ to Lee in response to a complaint from a female client. There are no documents describing the original complaint or disciplinary action regarding this incident in Charles' personnel file. Based on Charles' memorandum, though, it appears that the client may have complained that Charles made her feel uncomfortable during an interview.
- On March 28, 2012, Charles received a written reprimand¹⁴ for below standard productivity and failing to follow proper protocols.

CJFS Investigations Unit

Section 5101.37 of the Ohio Revised Code authorizes CJFS to conduct audits or investigations that are necessary in performance of its duties and grants them the same power as a judge of a

⁷ See Personnel Action Form attached as **Exhibit E**.

⁸ Attached as **Exhibit F**.

⁹ Attached as **Exhibit G**.

¹⁰ Attached as **Exhibit H**.

¹¹ Attached as **Exhibit I**.

¹² Attached as **Exhibit J**.

¹³ Attached as **Exhibit K**.

¹⁴ Attached as **Exhibit L**.

county court to administer oaths and to enforce the attendance and testimony of witnesses and the production of documents. In accordance with this authority, CJFS has established the Division of Investigation to conduct investigations into allegations of criminal activity (e.g., theft, tampering with records) relating to the distribution or receipt of public benefits.

INVESTIGATION SUMMARY

I. CJFS Investigations Unit Investigation

On January 15, 2013, the AIG received a copy of an Auditor's Memorandum¹⁵ prepared by the CJFS Division of Investigations and supporting documentation. I reviewed the investigation work product prepared by the Division of Investigations. The following is my summary of the information collected during their investigation:

Written Statements

Client - 11/10/09

Client submitted a written statement¹⁶ requesting a new case worker be assigned to her case. Client alleges that she was involved in an intimate relationship with her current case worker, Charles.

During the course of the intimate relationship, which occurred between August 2008 and July 2009, Client spent several nights a week at Charles' house. Additionally, Client claims that Charles would ask her to buy him groceries when she received "a lot" of food stamps.

Client states that she chose to end the relationship because she was no longer happy with Charles' behavior and after speaking with her therapist she realized that it was not a healthy relationship.

Jettie Lee - 12/29/2009

The Division of Investigations collected a written statement from Lee¹⁷ on December 29, 2009. According to Lee's statement, she received the initial complaint against Charles over the telephone on November 10, 2009. Client sounded distraught, stressed and nervous when she spoke with Lee on the phone. Client told Lee that she was involved in a sexual relationship with Charles. After she ended the relationship, Charles began harassing her with constant phone calls to her home. Lee requested Client submit her complaint in writing.

Patricia Koran - 12/16/2009

The Division of Investigations collected a written statement¹⁸ from Koran on December 16, 2009. Koran was employed by the County as a Neighborhood Center Manager and she supervised the center that administered benefits for clients located in downtown Cleveland. Charles and Lee worked under her supervision.

According to Koran's written statement, Client's case was reviewed by Lee and Neighborhood Center Coordinator Adrienne Waugh ("Waugh"). They informed Koran that income was received by the client and not counted in the food assistance calculations or the Medicaid

¹⁵ Attached as Exhibit M.

¹⁶ See Exhibit B, supra.

¹⁷ See Exhibit A, supra.

¹⁸ See Exhibit C, supra.

determinations. Koran advised her supervisor, Participation Services Manager Jacqueline Ward ("Ward") of the situation.

On or about November 19, 2009, Koran met with Charles and advised him of the allegations. Charles acknowledged that he had a previous relationship with Client that ended prior to her case being assigned to him. He denied receiving any food assistance benefits from her at any time. He did not respond to the allegation that he improperly determined her benefits. Koran advised him to provide a written statement responding to the allegations by November 25, 2009. Charles failed to provide Koran with the written statement.

On November 23, 2009, Koran again spoke with Charles regarding the allegations. Charles gave Koran a handwritten note that was allegedly signed by Client. The note stated that Client was breaking off the relationship because Charles didn't care for her the way she cared for him. Koran stated that she did not keep the note because it wasn't relevant to resolving the situation.

On December 2, 2009, Koran referred the allegations to Division of Investigations Manager Lester LaGatta ("LaGatta) for further investigation.

Record Review

Clients applying for benefits complete a JFS 7200 form that details all pertinent information necessary to calculate benefits. Information from the form, along with supporting documents provided by the client, are entered into the computer by the caseworker to determine benefit amounts.

Caseworkers can use a database called "The Work Number" to verify or determine employment and wage information. The Work Number is an automated database that collects employment information from a large number of employers and provides access to verify employment and salary information.

Beginning in 2008, Charles began a pattern of not verifying Client's income and using erroneous employment information to complete her eligibility forms. These actions created an inflated amount of benefits that Client was not entitled to receive.

On October 2, 2008, Charles processed food stamp and Medicaid budgets using information provided on a JFS 7200 form¹⁹ which was completed by Client. The following is a summary of the errors and omissions identified in the resulting benefit calculations:

- Charles entered incorrect information regarding Client's employment income. Charles entered Client's pay as \$430.00²⁰ for the July 9, 2008 pay period, while The Work Number²¹ indicated that the actual earnings were \$630.90.
- Charles entered incorrect information regarding Client's shelter and utility. Charles entered Client's house payment as \$790.00 and her property tax as an additional \$264.00 monthly.²² According to the mortgage statement²³ provided by Client, Client's total monthly house payment, including property taxes, was \$790.84.

¹⁹ Attached as **Exhibit N**.

²⁰ See Employment Information screenshot attached as **Exhibit O**.

²¹ Attached as **Exhibit P**.

²² See Shelter Cost screenshot attached as **Exhibit Q**.

- Charles entered incorrect information regarding Client's utility bills. Client supplied a gas bill²⁴ that reflected a monthly cost of \$78.64, but Charles entered Client's monthly natural gas cost as \$576.49²⁵. Client supplied an electric bill²⁶ that reflected a monthly cost of \$94.09, but Charles entered Client's monthly electric cost as \$208.09²⁷.

Client submitted paperwork²⁸ that indicated she was taking leave from her employment with HRC ManorCare between October 20, 2008 and November 20, 2008 because of a medical condition. On December 8, 2008 Charles incorrectly "end dated her employment", which indicated that she no longer worked for HRC ManorCare.²⁹

On January 19, 2009, Charles entered new wages for Client's employment with HRC ManorCare. Charles entered income of \$220.00 for the pay period ending on January 2, 2009 and \$225.00 for the pay period ending on January 16, 2009.³⁰ These pay amounts and dates, however, do not match the information located on The Work Number data base for December 2008 or January 2009.³¹ The Work Number listed income of \$479.81 for the pay period ending on December 24, 2008, \$917.30 for the pay period ending on January 7, 2009 and \$1843.50 for the pay period ending on January 21, 2009.

The CJFS case tracking database did not contain any employment verification or pay stubs until June 2009. In June 2009 employment information was requested by another CJFS worker attempting to calculate child care benefits. Charles did not access The Work Number database during that same period of time or use the June 2009 pay stubs to update Client's case.

The CJFS case tracking database checks state wage information and Social Security benefit information to verify income information provided by clients. When wage or social security information is located, an alert is created and attached to the case so that it can be viewed by the caseworker. This alert has to be manually cleared by the caseworker after the information is reviewed.

On February 13, 2009 Charles cleared all case alerts³² and in the case notes he indicated that the alerts had no effect on the case. Had he verified Client's income on that date, though, he could have identified the income information that had been improperly entered into the system. All future alerts³³ were left unprocessed by Charles.

As the result of new hire alerts on April 2, 2009 and August 31, 2009, a CJFS Customer Service Assistant sent an employment inquiry letter to Client. There is no indication that the information was received from Client or that Charles took any further action on the matter. Since the

²³ Attached as **Exhibit R**.

²⁴ Attached as **Exhibit S**.

²⁵ See RUMBA Mainframe Display – Utility Cost attached as **Exhibit T**.

²⁶ Attached as **Exhibit U**.

²⁷ See Attached as **Exhibit V**.

²⁸ Attached as **Exhibit W**.

²⁹ See Exhibit M, *supra*, at page 4.

³⁰ See Employment Information screenshot attached as **Exhibit X**.

³¹ See Exhibit P, *supra*, at page 3.

³² See Compliance Tracking – Match Selection screenshots, attached as **Exhibit Y**.

³³ See Compliance Tracking – Match Selection screenshots, attached as **Exhibit Z**.

requested information was not received, the case should have been closed for non-compliance.³⁴

In April 2009, an alert was generated in the case when Client's daughter began receiving Supplemental Security Income benefits. The system shows no action on Charles part to investigate the alert.³⁵

In June 2009, a child care worker documented the client's income directly into the computerized case file³⁶ which is viewed by the caseworkers. Charles did not update Client's income information.

According to the estimates prepared by the CJFS Division of Investigations, Client received \$5,058.54 in Medicaid overpayments and \$4,866.00 in Food Stamp overpayments as a direct result of Charles' failure to adhere to CJFS policies. The CJFS Division of Investigations is currently compiling the documentation to refer this matter to the County Prosecutor to determine whether any criminal violations occurred.

II. AIG Investigation

Interviews

Patricia Koran - 12/11/12

Koran was employed by Cuyahoga County for 32 years before retiring in December of 2009. Prior to her retirement Koran was employed by Cuyahoga County Employment and Family Services (now CJFS) as a Center Manager. Koran supervised the center that administered benefits for clients located in downtown Cleveland. Charles and Lee were under her supervision.

Koran was notified about the complaint against Charles approximately one (1) week after the complaint was filed. Client's case was removed from Charles' caseload and reassigned immediately after the accusations.

Koran notified her supervisor, Ward, and a Human Resources Department employee, Lori Daroczy, about the complaint. Ward made the decision to forward the case to the CJFS Division of Investigations. Koran completed a written statement and turned it over the Division of Investigations. Koran followed up on the matter several times and notified her successor about the case before her retirement.

According to Koran, CJFS had very strict rules prohibiting employees from handling the cases of friends or family members.

Client - 12/20/12

Client states that she did not know Charles until he was assigned to be her caseworker. Charles' advances started during their first meeting. After several meetings, Charles gave Client his home phone number. The two subsequently engaged in an intimate relationship.

³⁴ See Exhibit M, supra, at page 5.

³⁵ Id.

³⁶ See Running Records Comments screenshot attached as Exhibit AA.

At the time of the relationship, Client was between homes and would spend the night at Charles' home several times a week. On several occasions, Client took Charles to the store and used her benefits to purchase groceries for his home.

Client could not remember many specifics about Charles' home. However, she did remember that Charles lived in the upstairs portion of a duplex and his bathroom had a dark brown sink, toilet and bathtub.

Client requested a change in caseworkers after her therapist helped her realize the relationship was improper and unhealthy. Client has had no contact with Charles since late 2009.

Alfred Kenneth Charles - 1/10/13

Charles was interviewed in the presence of his union representative from AFSCME 1746, Pamela Brown.

Charles stated that he first met Client when she was assigned to his caseload. He claimed that the relationship was purely professional and he never had contact with Client outside of his workplace. Charles denied having any type of personal relationship with Client.

Charles remembered some details about the case. He recalled finding an undisclosed employment in the computer system and sending Client a letter to prove employment. He believed that he closed her case because she never responded to the letter.

Charles denied that Client has ever been to his home. I asked Charles several questions regarding his home. Charles states that he lives in the upstairs portion of a duplex and that his sink, toilet and bathtub are dark brown in color.

Charles admitted that it would be a violation of policy to have a friend, relative or acquaintance in his caseload. Additionally, he stated that he has had a friend or relative in his caseload in the past and he notified his supervisor immediately to have them removed.

LAW / POLICY

Section 13.08 of the Cuyahoga County Personnel Policies and Procedures Manual defines the following inappropriate behaviors as a "removable infractions":

- ***Neglect of Duty / Inefficiency / Incompetency*** – *Egregious, flagrant or willful neglect in the performance of assigned duties.*
- ***Failure of Good Behavior*** – *Making an unwelcome, uninvited sexual advance or request for a sexual favor, especially of a subordinate, a vendor or a customer, and/or touching someone else if it is unwelcome and uninvited.*
- ***Failure of Good Behavior*** – *Performing an act which constitutes a felony under the laws of the United States, the State of Ohio or the jurisdiction in which the act was committed.*
- ***Dishonesty*** – *Making false claims or misrepresentations in an attempt to obtain any County benefit.*

- **Dishonesty – Falsification of employment records or other County records in manual or automated systems, including falsification of stated reason for use of leave.**

Policy- PS-026³⁷ of the Employment and Family Services Service Delivery Protocol describes the inter-office transfer of income maintenance cases between front line staff. The policy states in part:

"No caseworker should accept a case that contains individuals who are neighbors, relatives of any kind, nor Friends. The caseworker should notify their Team Leader as soon as they become aware of the conflict. The Team Leader will transfer the case immediately."

Section 2921.41 of the Ohio Revised Code ("ORC") prohibits a public employee from committing any theft offense as defined in division (K) of section 2913.01 of the ORC, when either of the following applies:

- The offender uses the offender's office in aid of committing the offense or permits or assents to its use in aid of committing the offense;
- The property or service involved is owned by this state, any other state, the United States, a county, a municipal corporation, a township, or any political subdivision, department, or agency of any of them, is owned by a political party, or is part of a political campaign fund.

Depending on the circumstances, an employee who commits benefit fraud could also face criminal prosecution for the following violations:

- Tampering With Records (ORC Section 2913.42 – Level of Offense Dependent on Circumstances) - No person, knowing the person has no privilege to do so, and with purpose to defraud or knowing that the person is facilitating a fraud, shall falsify, destroy, conceal, alter, deface, or mutilate any writing, computer software, data, or record.
- Dereliction of Duty (ORC Section 2921.44 – Second Degree Misdemeanor) – No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office.
- Forgery (ORC Section 2913.31 – Fifth Degree Felony) - No person, with purpose to defraud, or knowing that the person is facilitating a fraud, shall forge any writing of another without the other person's authority or forge any writing so that it purports to be genuine when it actually is spurious.

³⁷ Attached as Exhibit BB.

CONCLUSION(S) & RECOMMENDATION(S)

Allegation 1

Charles had an intimate relationship with a client in his caseload.

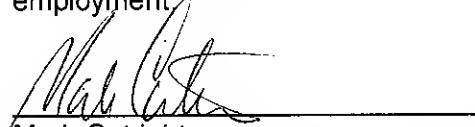
After a careful review of the evidence collected and/or reviewed in this investigation, it is my opinion that there is **sufficient evidence** to indicate that Charles violated several of the above-noted policies prohibiting him from having a sexual relationship with a client in his caseload. The claims of a personal relationship were supported by the personal information about Charles provided by Client and the statements provided by Koran and Lee. Client was able to provide Charles' home phone number, a general description of his home and she was able to describe unique details about the interior of his home that were subsequently confirmed by Charles.

Allegation 2

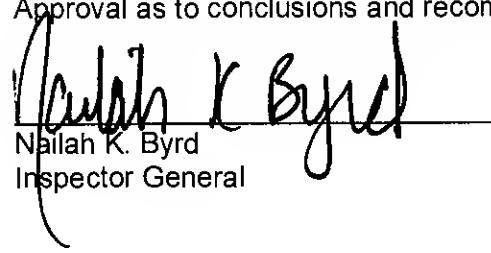
Charles entered false information so the client he was in a relationship with would receive extra Medicaid and food stamp benefits.

After a careful review of the evidence collected and/or reviewed in this investigation, it is my opinion that there is **sufficient evidence** to indicate that Charles violated the above-noted policies regarding falsification of County records. Specifically, the internal review conducted by the CJFS Division of Investigations detailed the numerous errors and omissions made by Charles throughout the time he was handling the Client case. The review concluded that those errors and omissions were the direct cause of the complainant receiving Medicaid and Food Stamp overpayments totaling \$9,924.54. This information, combined with the evidence indicating that Charles was involved in a sexual relationship with the same client, leads me to believe that Charles was intentionally falsifying Client's benefits information.

The CJFS Division of Investigations report on this matter will be forwarded to the prosecutor to determine if the mishandling of this case was a violation of criminal law. Accordingly, it is my recommendation that this report be referred to the County Executive and the Director of Human Resources for consideration of disciplinary action, up to and including termination of employment.


Mark Cutright
Assistant Inspector General - Investigation

Approval as to conclusions and recommendations:


Nalilah K. Byrd
Inspector General

Date

1/24/13